

A CERTIFIED TRUE COPY

DEC 19 2006

ATTEST: Denise M. Smith
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DOCKET NO. MDL-1742-D

FILED
CLERK'S OFFICE

2007 JAN 16

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE ORTHO EVRA PRODUCTS LIABILITY LITIGATION

3:06-550

Plaintiffs' Motion to Remand
to Northern District of Ohio
denied by Clerk
*RECEIVED
CLERK'S OFFICE
MAY 2007*

Chiquita L. McKinnes v. Johnson & Johnson, Inc., et al., M.D. Alabama, C.A. No. 2:06-550

Willie May Pugh v. Johnson & Johnson, Inc., et al., M.D. Alabama, C.A. No. 2:06-551

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN A. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in two Middle District of Alabama actions to vacate the Panel's order conditionally transferring their actions to the Northern District of Ohio for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendants¹ oppose the motions and urge inclusion of the actions in the MDL-1742 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve common questions of fact with the actions in this litigation previously transferred to the Northern District of Ohio, and that transfer of these actions to the Northern District of Ohio for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Northern District of Ohio was a proper Section 1407 forum for actions involving allegations regarding the design of the Ortho Evra contraceptive patch and the adequacy of the warnings regarding Ortho Evra's side effects and safety profile. See *In re Ortho Evra Products Liability Litigation*, 422 F.Supp.2d 1379 (J.P.M.L. 2006). Any motions to remand to state court can be presented to and decided by the transferee court. *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

I hereby certify that this instrument is a true and correct copy of the original on file in my office.
Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: *Jennifer Smolinski*
Deputy Clerk

¹ Johnson & Johnson; Johnson & Johnson Pharmaceutical Research & Development, L.L.C.; and Ortho-McNeil Pharmaceutical, Inc.

75

- 2 -

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable David A. Katz for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman